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15 **IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

16 REBEKAH MASSIE; and QUINTUS
SCHULZKE,

17 *Plaintiffs,*

18 v.

19 CITY OF SURPRISE, et al.,

20 *Defendants.*
21

Case Number: _____

**DECLARATION OF PLAINTIFF
QUINTUS SCHULZKE IN SUPPORT
OF MOTION FOR A PRELIMINARY
INJUNCTION**

Hon. _____
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DECLARATION

Under 28 U.S.C. § 1976, I, QUINTUS SCHULZKE, declare as follows:

1. I am over the age of 18. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to those facts if called as a witness.

2. I am a plaintiff in this action. I make this declaration in support of my motion for a preliminary injunction.

3. I have been a resident of the City of Surprise since 2008.

4. I have attended numerous meetings of the City Council of the City of Surprise.

5. I frequently attend City Council meetings to speak about items on the Council's agenda.

6. A true and correct copy of the video of the August 20, 2024, meeting of the City Council of the City of Surprise, as made available on the City's website at <https://surpriseaz.portal.civicclerk.com/event/4076/media> (also available at <https://bit.ly/massiesurprise>), is attached to the Complaint as **Exhibit A**.

7. A true and correct copy of the "Council Meeting Public Comment Form," as made available on the City of Surprise website at <https://surpriseaz-services.app.transform.civicplus.com/forms/24865>, is attached to the Complaint as **Exhibit B**.

1 8. The rules in the Council Meeting Public Comment Form derive from the City
2 of Surprise Policies & Procedures Manual, and from page 20 of its “Rules for the Public at
3 Council Meetings.”

4 9. A true and correct copy of the City of Surprise Policies & Procedures Manual,
5 as made available on the City of Surprise website, is attached to the Complaint as
6 **Exhibit C.**

7 10. A true and correct copy of the “Second Amendment to the Employment
8 Agreement with City Attorney” considered at the August 20, 2024, meeting, available from
9 the City of Surprise’s website, is attached as **Exhibit D.**

10 11. During City Council meetings, I have both lauded and criticized City
11 officials.

12 12. For example, on May 21, 2024, I told the Council: “I know you’ve all made
13 a lot of personal sacrifice, serving as you have, here.”

14 13. On August 6, 2024, I told the Council that “I had a great discussion with Mr.
15 Judd,” referring to a member of the City Council.

16 14. I am the Chairperson of the Voice of Surprise, an Arizona political action
17 committee.

18 15. A true and correct copy of a screenshot of the Voice of Surprise Facebook
19 page is attached to the Complaint as **Exhibit E.**

20 16. I have seen the video of the August 20, 2024, meeting of the City Council of
21 the City of Surprise.
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17. As a result of Mayor Hall's statement that "any time you attack any staff member" or city official, the speaker will be "escorted out," and that "it's going to happen" now "and in the future," I fear that I will be ejected or detained if I make a negative comment about a city official if I were to speak at City Council meetings.

18. As a result of Mayor Hall's enforcement of the "complaint" policy on August 20, 2024, I intend to withhold criticisms that I otherwise would make of the City of Surprise, its officials, and its employees when I speak at City Council meetings, out of fear that I will be ejected, detained, or arrested.

19. But for Mayor Hall's enforcement of the "complaint" policy on August 20, 2024, I would have spoken at the September 3, 2024, meeting of the City Council to criticize Mayor Hall's conduct on August 20.

20. But for Mayor Hall's enforcement of the "complaint" policy on August 20, 2024, I would speak at other future meetings of the City Council to criticize Mayor Hall's conduct on August 20.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 2, 2024.



Quintus Schulzke